

### **Remarks/Arguments**

Claims 1, 2, 12, 14, 16, 17, 26-28 and 30 have been rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,751,207 (Lee) in view of U.S. Published Patent Application No. 2003/016679 A1 (Adams). Claims 3-9, 13, 18-23, 27-28 and 31-32 have been rejected under 35 U.S.C. § 103 over Lee, Adams and U.S. Patent No. 6,571,212 (Dent). Claims 9-11, 15, 24-25 and 29 have been rejected under 35 U.S.C. § 103 over Lee, Adams, Dent and U.S. Published Patent Application No. 2004/0022237 A1 (Elliott).

These rejections are respectfully traversed, and each rejection will be addressed in turn. To remove any uncertainty regarding the present claims, independent claims 1, 16 and 30 have been amended to specify that processing the bit stream as a data communication rather than a voice communication includes decoding a bit stream into a first set of vocoder parameters compatible with a first vocoder standard, and transforming the first set of vocoder parameters into a second set of vocoder parameters compatible with a second vocoder standard without converting the first set of vocoder parameters to an analog or digital waveform representation.

Moreover, Claims 5, 11, 15, 20 and 29 were amended to correct minor typographical errors. Particularly, Claims 5 and 20 were amended to recite " as a pseudo-tunneling flag" as opposed to --as pseudo-tunneling flag--. Claims 15 and 29 were amended to recite "with a padded bit sequence to accommodate routing" as opposed to --with a padded bit sequence accommodate routing--. Claim 11 was amended to recite a "vocoder" as opposed to a --vocodor--. These amendments are being made for clarification and are not narrowing amendments made for reasons of patentability. All claims are allowable for the reasons set forth below.

### **The Combination of Lee and Adams**

#### **Does Not Teach or Suggest All Claim Limitations**

Claims 1, 2, 12, 14, 16, 17, 26-28 and 30 have been rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,751,207 (Lee) in view of U.S. Published Patent Application No. 2003/016679 A1 (Adams).

Lee, the primary reference used in the rejection of independent Claims 1, 16 and 30, discloses a method for tunneling voice over the internet protocol in a cellular network. As a brief overview, Lee is designed to address problems associated with using IP via the Internet to deliver wireless voice services. According to Lee, one problem encountered using IP via the Internet is in routing VoIP to and from handsets that do not recognize IP addresses. Lee attempts to address these problems by providing mapping of a mobile identification number to a non-IP-enabled handset to the IP address of a component of a cellular network in communication with that handset. A sub-index, which has been assigned to the handset by that component, acts as an extension to the IP address of the component so the non-IP-enabled handset can be correctly identified within the cellular network.

Adams, the secondary reference, is used to reject all but one element of the pertinent claims. Giving an overview of this prior art reference, Adams discloses routing packets over a network. According to Adams' disclosure, the packet is received at a network node where it is determined whether the packet requires advanced routing services or advanced network services.

According to Adams, functionality associated with advanced routing services may include static routing, default routing or dynamic routing. Static routing may refer to routes to destinations that are manually listed in a routing table. In this case, the routing table would not change as the network changed. Default routing is described as being similar to static routing, but when a packet has a destination that is unknown to the router it will be sent to a default address for handling. Dynamic routing may refer to routes being learned via an internal or external routing protocol. In dynamic routing, the routing table may be periodically updated to reflect changes in the network.

Functionality associated with advanced network services is defined by Adams to refer to any network service other than routing, e.g., implementing a firewall, network address translation, port address translation, among others.

that the supposed pseudo-tunneling flag is checked by determining a packet classification.

However, in order to further clarify Assignee's invention and in order to expedite prosecution, Assignee has amended its claims to recite that processing the bit stream as a data communication rather than a voice communication includes decoding a bit stream into a first set of vocoder parameters compatible with a first vocoder standard; transforming the first set of vocoder parameters into a second set of vocoder parameters compatible with a second vocoder standard without converting the first set of vocoder parameters to an analog or digital waveform representation. This limitation is not taught in any of the prior art references.

The present application presents a novel and unobvious approach to processing voice communications over a telecommunications network. The present application incorporates a pseudo-tunneling flag that is used to provide an indication that a voice communication should not be treated like a voice communication, but instead should be treated like a data communication. If the pseudo-tunneling flag is set, the voice communication is treated like a data communication. The present application provides a way to process the voice communication without converting the voice communication to a waveform representation. In this respect, the present application provides a way to route voice calls through a telecommunications network while preserving the quality of the speech signal and avoiding tandemming loss.

Claims 3-9, 13, 18-23, 27-28 and 31-32 were rejected under 35 U.S.C. § 103 over Lee, Adams and U.S. Patent No. 6,571,212 (Dent). Finally, Claims 9-11, 15, 24-25 and 29 were rejected under 35 U.S.C. § 103 over Lee, Adams, Dent and U.S. Published Patent Application No. 2004/0022237 A1 (Elliott). While a *prima facie* case of obviousness was also not made with respect to the dependent claims and the pertinent prior art references--i.e., Dent and Elliot--Assignee believes that all rejections as to the independent claims have been clearly demonstrated as overcome. Because all remaining

In accordance with Adams, the network nodes that determine the need for advanced routing or network functionality may be client service gateways or a central site router. When such a client service gateway or central site router receives a packet having control information indicating advanced functionality is needed, it forwards the packet to a server (known as a hosted advanced routing server) via a VPN tunnel for processing. The control information may include a status flag.

Each independent Claim 1, 16 and 30 that was rejected over Lee in view of Adams requires a pseudo-tunneling flag. The office action indicates this limitation is taught in Adams wherein Adams refers to a status flag. However, Assignee respectfully submits that a prima facie case of obviousness has not been made for at least the reason that a pseudo-tunneling flag is not taught or suggested in the prior art references. The status flag is used in Adams to simply refer to the current status of a packet to which the control information relates. The pseudo-tunneling flag of the present application indicates not only that the bit stream is a voice communication, but that the bit stream should be treated differently, i.e., as a data communication instead of a voice communication. Because of the pseudo-tunneling flag of the present application, the bit stream is processed differently within the telecommunications network. Nowhere in Adams does he teach or suggest changing the processing of the voice communication to match processing of data.

Adams is further cited in the Office Action as teaching another limitation of independent Claims 1, 16 and 30--i.e., checking the pseudo-tunneling flag. In support of this proposition, the Office Action directs Assignee's attention to Adams' teaching of determining a packet classification. Even if it is accepted that the status flag is a pseudo-tunneling flag as the Office Action indicates, Adams does not teach checking the pseudo-tunneling flag by determining a packet classification. Adams' disclosure does not indicate how the determination of a packet classification ties in with the status flag. Accordingly, even if Adams taught a pseudo-tunneling flag, Adams would not indicate

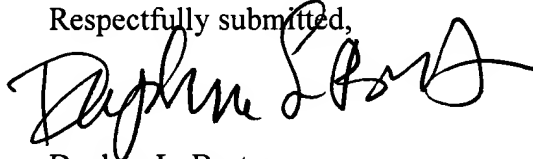
claims depend from these independent claims, Assignee respectfully requests allowance of this application.

### Conclusion

The undersigned respectfully submits that this application is in condition for allowance. Early and favorable reconsideration and allowance of this application is respectfully requested. If any outstanding issues might be resolved by an interview or an Examiner's amendment, the Examiner is invited to telephone the representative of the assignee of the entire interest of this application at the telephone number shown below.

If any petition for extension of time is deemed necessary, a petition under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 (Order No. 70602-116) and please credit any excess fees to such deposit account.

Respectfully submitted,



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